

# House File 450 - Introduced

HOUSE FILE 450

BY WOLFE

## A BILL FOR

1 An Act relating to consent agreements for domestic abuse and  
2 sexual abuse protective orders.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.5, subsection 1, paragraph b,  
2 unnumbered paragraph 1, Code 2021, is amended to read as  
3 follows:

4 The court may grant a protective order ~~or approve a consent~~  
5 ~~agreement~~ which may contain but is not limited to any of the  
6 following provisions:

7 Sec. 2. Section 236.5, Code 2021, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 1A. The court may approve a consent  
10 agreement which may contain but is not limited to any of the  
11 provisions specified in subsection 1, paragraph "b", without a  
12 finding the defendant has engaged in domestic abuse.

13 Sec. 3. Section 236A.7, subsection 1, unnumbered paragraph  
14 1, Code 2021, is amended to read as follows:

15 Upon a finding that the defendant has engaged in sexual  
16 abuse, the court may grant a protective order ~~or approve a~~  
17 ~~consent agreement~~ which may contain but is not limited to any  
18 of the following provisions:

19 Sec. 4. Section 236A.7, Code 2021, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 1A. The court may approve a consent  
22 agreement without a finding that the defendant has engaged in  
23 sexual abuse, which may contain but is not limited to any of  
24 the provisions specified in subsection 1.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill relates to consent agreements and domestic abuse  
29 and sexual abuse protective orders.

30 Under current law, upon a finding of domestic abuse or sexual  
31 abuse, the court may approve a consent agreement or grant a  
32 protective order. The bill strikes the requirement that a  
33 finding of domestic abuse or sexual abuse must occur before the  
34 court approves a consent agreement.

35 A consent agreement entered pursuant to Code section 236.5

1 (domestic abuse) may contain but is not limited to provisions  
2 that the defendant cease domestic abuse of the plaintiff;  
3 stay away from the plaintiff's residence, school, or place of  
4 employment; not knowingly possess, ship, transport, or receive  
5 firearms, offensive weapons, and ammunition in violation of  
6 Code section 724.26; grant possession of the residence to  
7 the plaintiff to the exclusion of the defendant or that the  
8 defendant provide suitable alternate housing for the plaintiff;  
9 pay separate support and maintenance to the plaintiff and  
10 any children under 18 years of age; and avoid any contact  
11 with animals owned by the plaintiff, defendant, or minor  
12 child of the defendant. A consent agreement may also contain  
13 a provision relating to an award of temporary custody or  
14 temporary visitation rights with regard to any children under  
15 18 years of age.

16 A consent agreement entered pursuant to Code section 236A.7  
17 (sexual abuse) may contain but is not limited to provisions  
18 that the defendant cease sexual abuse of the plaintiff and  
19 stay away from the plaintiff's residence, school, or place of  
20 employment.